

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/783,333

REMARKS

Claims 1-10 are all the claims pending in the application.

The specification is objected to, because of the incorporation of the Korean Patent Application (00-24209). Applicant amends the specification herein to delete this reference to the KPA.

Claims 1-10 are rejected under 35 U.S.C. § 101 as not being supported by either a specific and substantial utility or a well established utility, and 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The basis for these rejections is the recitation of the “error protection code” and “error protecting” in the claims. Applicant amends the claims and corresponding portions of the specification to change “error protection code” and “error protecting” to “error detection code” and “error detecting,” respectively. Applicant submits that these amendments simply correct errors in the translation of the Korean document, and thus are non-narrowing amendments which overcome the rejections. Support for these amendments can be found in the specification in the paragraph bridging pages 6 and 7, for example.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Strawczynski et al. (US 6,628,641). Applicant respectfully traverses the rejection with the following comments.

Applicant submits that Strawczynski et al. do not teach or suggest forming a predetermined layer protocol by adding a header to multimedia data which is transmitted through a radio path, as recited in claim 1. The Strawczynski et al. reference relates to a system and method for improving the voice quality of wireless-to-wireless telephone calls. Strawczynski et

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al. provide a method and apparatus to add supplemental information for better error detection and correction of data packets to allow the identification of the telecommunication link causing errors in the data packets and optimizes the use of the reconstructed data packets. In other words, Strawczynski et al. discloses error detection and correction of telecommunication data. By contrast, Applicant's invention relates to a wireless packetization apparatus for transmitting and/or receiving multimedia data including video data in a radio transmitting/receiving system, and a method thereof. As claimed in claim 1, the present invention recites forming a predetermined layer protocol by adding a header to multimedia data which is transmitted through a radio path. Strawczynski et al. do not disclose forming a predetermined layer protocol by adding a header to multimedia data which is transmitted through a radio path, or even relate to multimedia data generally. Therefore, claim 1 is allowable over the prior art.

Claim 2 is allowable, at least because of its dependence from claim 1.

Also, claims 3-6 and 9 are allowable over the prior art for analogous reasons to those presented above.

With further regard to claim 6, Applicant submits that the Strawczynski et al. reference do not teach or suggest wherein the corruption indication flag indicates an error of data contained in multiplex-protocol data unit (MUX-PDU) on a multiplex (MUX) sub-layer. Strawczynski et al. fail to disclose anything about a multiplex-protocol data unit (MUX-PDU) or a multiplex (MUX) sub-layer. Furthermore, the Examiner has only generally asserted that the reference discloses a method in which error indication of data can be sent to another layer and various protocols can be used. Applicant submits that the cited portions of the reference do not make this disclosure. Moreover, even if the Examiner's assertion were considered to be correct, the

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asserted disclosure does not correspond to the specific limitations of the claims. Thus, claims 6 and 8 are allowable over the prior art for this reason also.

For claim 7, Applicant submits that Strawczynski et al. do not teach or suggest transmitting an RLP (radio link protocol) frame, in a case where there is no error when a data field is checked by an error detection code on a multiplex (MUX) layer, to a next layer and checking an error of the header information by the error detection code in a case where there is some error. The reference does not disclose transmitting a radio link protocol at all. Furthermore, the Examiner has not even asserted that it does. Instead, the Examiner describes other alleged disclosures and cites col. 1, line 53 - col. 3, line 9; FIG. 4; and col. 4, lines 45-54 of the reference, none of which disclose the aforementioned feature of claim 7. Instead, the cited excerpts describe the objects and general features of Strawczynski's system, which do not correspond to the specific limitations of the claim.

Moreover, the Examiner's description on pages 6-7 of what "has been recognized" does not appear to correspond to the disclosure of the cited reference. As such, the description appears to be the Examiner's own musings regarding error detection systems, which is an inappropriate basis for rejection. Therefore, claim 7 is allowable over the prior art for at least these reasons.

Additionally, Strawczynski et al. fail to disclose setting the corruption indication flag and re-sequencing data of the data field in a case when there is no error in the header information and resetting the corruption indication flag and discarding the entire frame in a case where there is some error in the header information, as recited in claim 7. The reference does not appear to disclose re-sequencing data of the data field in a case when there is no error in the header

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information, or in any other case for that matter. Moreover, the Examiner has not explicitly asserted that these features are disclosed in the reference. Applicant submits that the cited excerpts simply do not make such a disclosure. Unless the Examiner points to a portion of the cited reference that describes these particular features of the claim, Applicant submits that the rejection should be withdrawn. Therefore, claim 7 is allowable over the prior art for this additional reason.

Also, claim 8 is allowable, due to its dependence from claim 7.

Claim 10 is allowable over the prior art, for reasons analogous to those presented above for claim 7.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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